

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

WELLS FARGO FUNDING, INC. and) No. 1:09-CV-00817-LO- TRJ
WELLS FARGO BANK, N.A.,) (Lead Case)
GMAC MORTGAGE, LLC,) No. 1:09-CV-00818-LO-TRJ
RESIDENTIAL CAPITAL, LLC and) (Consolidated into Lead Case)
RESIDENTIAL FUNDING COMPANY, LLC,)
CHEVY CHASE, FSB,) No. 1:09-CV-00819-LO-TRJ
and) (Consolidated into Lead Case)
EMC MORTGAGE CORPORATION,) No. 1:09-CV-00820-LO-TRJ
Appellants,) (Consolidated into Lead Case)
)
v.)
)
H. JASON GOLD, CHAPTER 11 TRUSTEE,)
)
Appellee.)
)

**JOINT NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

Wells Fargo Funding, Inc.; Wells Fargo Bank, N.A.; GMAC Mortgage, LLC; Residential Capital, LLC; Residential Funding Company, LLC; Chevy Chase, FSB; and EMC Mortgage Corporation (collectively, the “Summit Drive Creditors”), the appellants below, appeal to the United States Court of Appeals for the Fourth Circuit from the final judgment of the District Court for the Eastern District of Virginia – Alexandria Division, entered in this consolidated case on November 24, 2009, affirming the decision of the United States Bankruptcy Court for the Eastern District of Virginia – Alexandria Division, determining the liens, claims and interests in the proceeds from the sale of certain residential property of the bankruptcy debtor, known generally as 5335 Summit Drive, Fairfax, Virginia (the “Property”). The District Court affirmed the Bankruptcy Court’s determination that: 1) the bankruptcy trustee’s “strong arm” powers would

overcome the equitable liens and constructive trusts asserted by the Summit Drive Creditors; and 2) Wells Fargo's *lis pendens* on the Property did not prevent the bankruptcy trustee from taking the proceeds from the sale thereof free and clear of the liens.

The parties to the judgment appealed from and the names and addresses of their respective attorneys are as follows:

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Submitted December 22, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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